

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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ELITE PHYSICIAN SERVICES, LLC, : **No. 1:07-cv-3097 (BSJ)**

Plaintiff, : **The Honorable Barbara S. Jones**

v. : **NOTICE OF MOTION TO**
 : **APPEAR PRO HAC VICE**
CITICORP CREDIT SERVICES, INC. (USA), :

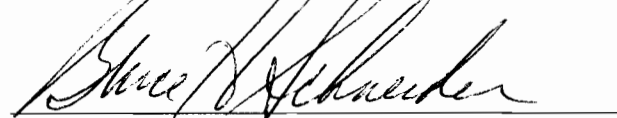
Defendant. :
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620591 #25 7-12-07 mg
Defendant Citicorp Credit Services, Inc. (USA) by its counsel Stroock & Stroock & Lavan LLP, pursuant to Rule 1.3(c) of the Local Rules of the United States District Courts for the Southern and Eastern Districts of New York will move this Court before the Honorable Barbara S. Jones at the Courthouse located at 500 Pearl Street, New York, NY 10007 for an Order granting permission to Michael J. Niborski, a member in good standing of the Bar of the State of California, to participate in these proceedings. This motion is made on submission. The attached declaration of Bruce H. Schneider and the exhibits thereto provide further support for this motion. A proposed order is attached hereto.

Dated: New York, New York

July 12, 2007

STROOCK & STROOCK & LAVAN LLP



Bruce H. Schneider (BHS-7808)

180 Maiden Lane
New York, New York 10038
(212) 806-5400
Attorneys for Defendant

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

----- X	
ELITE PHYSICIAN SERVICES, LLC,	: No. 1:07-cv-3097 (BSJ)
Plaintiff,	: The Honorable Barbara S. Jones
v.	: DECLARATION OF BRUCE H. SCHNEIDER IN SUPPORT OF
CITICORP CREDIT SERVICES, INC. (USA),	: MOTION TO APPEAR
Defendant.	: <u>PRO HAC VICE</u>
	:
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BRUCE H. SCHNEIDER, declares under the penalty of perjury that the foregoing is true and correct:

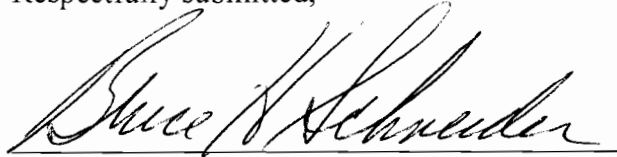
1. I am an attorney duly admitted to practice in the courts of the State of New York and in this Court, and am a member of the firm of Stroock & Stroock & Lavan LLP, counsel for defendant Citicorp Credit Services, Inc. (USA) (“CCSI”). I submit this declaration in support of the motion to admit Michael J. Niborski (“Mr. Niborski”) to appear pro hac vice in this action on behalf of CCSI.

2. Mr. Niborski practices law at the law firm of Stroock & Stroock & Lavan LLP, 2029 Century Park East, Los Angeles, CA 90067-3086 and is a member in good standing of the Bar of the State of California. Mr. Niborski’s Declaration in support of this Motion is annexed hereto as Exhibit A, and his Certificate of Good Standing is annexed hereto as Exhibit B. The proposed order is annexed hereto as Exhibit C.

3. I respectfully request that the Court grant this motion and permit Mr. Niborski to practice before this Court pro hac vice as counsel for CCSI in these proceedings.

Dated: July 12, 2007
New York, New York

Respectfully submitted,

A handwritten signature in cursive script, reading "Bruce H. Schneider", written in black ink on a white background.

Bruce H. Schneider (BHS-7808)

STROOCK & STROOCK & LAVAN LLP
180 Maiden Lane
New York, New York 10038
(212) 806-5400
Attorneys for Defendant

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

----- X
ELITE PHYSICIAN SERVICES, LLC, : **No. 1:07-cv-3097 (BSJ)**

Plaintiff, : **The Honorable Barbara S. Jones**

v. : **AFFIRMATION OF MICHAEL J.**
CITICORP CREDIT SERVICES, INC. (USA), : **NIBORSKI IN SUPPORT OF**
Defendant. : **MOTION TO APPEAR**
: **PRO HAC VICE**
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MICHAEL J. NIBORSKI, under penalty of perjury, declares as follows:

1. I am a member of the law firm of Stroock & Stroock & Lavan LLP.
2. I submit this affidavit in support of my motion for admission to practice pro hac vice in the above captioned matter.
3. As shown in the Certificate of Good Standing annexed hereto, I am a member in good standing of the Bar of the State of California.
4. There are no pending disciplinary proceedings against me in any State or Federal Court.
5. Wherefore I respectfully submit that I be permitted to appear as counsel and advocate pro hac vice in this one case.



THE
STATE BAR
OF CALIFORNIA

180 HOWARD STREET
SAN FRANCISCO, CALIFORNIA 94105-1639
TELEPHONE (415) 538-2000

June 21, 2007

TO WHOM IT MAY CONCERN:

This is to certify that according to the records of the State Bar, MICHAEL JOSEPH NIBORSKI, #192111 was admitted to the practice of law in this state by the Supreme Court of California on December 2, 1997; and has been since that date, and is at date hereof, an ACTIVE member of the State Bar of California; that the public record states that information has been provided pursuant to Business and Professions Code section 6086.1(c); and that no recommendation for discipline for professional or other misconduct has ever been made by the Board of Governors or a Disciplinary Board to the Supreme Court of the State of California.

THE STATE BAR OF CALIFORNIA

Kath Lambert
Custodian of Membership Records

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

----- X
ELITE PHYSICIAN SERVICES, LLC, : **No. 1:07-cv-3097 (BSJ)**

Plaintiff, : **The Honorable Barbara S. Jones**

v. : **ORDER**

CITICORP CREDIT SERVICES, INC. (USA), :

Defendant. :
:
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Upon the annexed Declaration of Bruce H. Schneider, Esq. and the exhibits attached thereto, it is hereby:

ORDERED that Michael J. Niborski is granted leave to appear pro hac vice in the above action as counsel for defendant Citicorp Credit Services, Inc. (USA).

Dated: _____, 2007
New York, New York

United States District Judge

AFFIDAVIT OF SERVICE

STATE OF NEW YORK)
) SS.:
COUNTY OF NEW YORK)

Paula O'Brien, being duly sworn, deposes and says: deponent is not a party to this action, is over 18 years of age and is employed by Stroock & Stroock & Lavan LLP at 180 Maiden Lane, New York, New York 10038; that on the 12th day of July, 2007, deponent served Notice of Motion to Appear Pro Hac Vice upon :

Don Aho, Esq.
Miller & Martin PLLC
1000 Volunteer Building
832 Georgia Avenue
Chattanooga, TN 3740

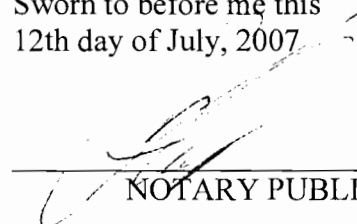
Philip R. Schatz, Esq.
Wrobel & Schatz LLP
1040 Avenue of the Americas, 11th Floor
New York, NY 10018-3703

by depositing a true copy of the same under the exclusive care and custody of the United States Postal Service from the firm of Stroock & Stroock & Lavan LLP



Paula O'Brien

Sworn to before me this
12th day of July, 2007



NOTARY PUBLIC

CHRISTINA A. THOMPSON-NAVAS
Notary Public, State of New York
No. 01TH6046888
Qualified in Kings County
Commission Expires Aug. 21, 2010 *10*